



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2532 OF 2024

1. Rohit Devram Wadmare
Age: 34 years, Occu.: Service,
2. Devram Dagdu Wadmare
Age: 68 years, Occu.: Pensioner,
3. Vanita Devram Wadmare
Age: 65 years, Occu.: Housewife,

Applicant Nos. 1 to 3 R/o 502, Mukta Apartment,
Military Road, Andheri (East),
Mumbai

4. Swati Nikhil Nambiyar
Age: 68 years, Occu.: Pensioner,
R/o Akashdeep Building,
Sarvoday Nagar, Saint Payas Colony,
Mulund (West), Mumbai

..APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Inspector
Udgir City Police Station,
Udgir, Tq. Udgir, Dist. Latur
2. Prerna Rohit Wadmare
Age: 24 years, Occu.: Housewife,
R/o c/o Suraj Sambhajirao Shelhalkar,
Nayi Aabadi, Samishra Colony,
Udgir, Tq. Udgir, Dist. Latur

..RESPONDENTS

....
Mr. P.M. Nagargoje, Advocate for applicants
Mr. N.D. Raje, A.P.P. for respondent no.1 – State
Mr. R.M. Bhagwat, Advocate h/f Mr. G.P. Shinde, Advocate for respondent
no.2
....

CORAM : RAJNISH R. VYAS, J.
DATE : 08th APRIL, 2026

PER COURT :

. At the outset, learned counsel for the applicants submits that he has instructions to withdraw the application as far as Applicant No.1 and Applicant No.4 are concerned, with liberty to approach the trial Court by taking all the steps as may be permissible in law.

2. In view of the statement made, criminal application as regards Applicant No.1 / Rohit Devram Wadmare and Applicant No.4 / Swati Nikhil Nambiyar stands disposed of as withdrawn with liberty as prayed for.

3. The applicants in the present application are father-in-law and mother-in-law, who are Accused Nos.2 and 3, who have challenged the F.I.R. No. 43 of 2024 dated 07th February, 2024 registered with Udgir City Police Station, Dist. Latur for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code and subsequent filing of final report and proceedings.

4. Learned counsel for the applicants submitted that the allegations made against the applicants are omnibus and vague, and therefore, they cannot be put to trial. He, therefore, prayed for quashment of F.I.R. and prosecution thereupon.

5. Per contra, learned counsel for Respondent No.2 has opposed the application on the ground that enough material is brought on record by the prosecution and statements of witnesses would clearly show that the applicants were also involved in commission of crime.

6. Learned A.P.P. has contended that the question whether the present applicants have committed a crime or not can be decided during the course of trial and at this stage by conducting mini trial, the said aspect cannot be decided. He, therefore, prayed for rejection of application.

7. With the help of respective counsels, I have gone through the record of the case and have also given my thoughtful consideration to the arguments advanced.

8. Respondent No.2 / informant viz. Prerna Rohit Wadmare has lodged the F.I.R. dated 07th February, 2024 with Respondent No.1 / police station in all against four persons. It is alleged in the F.I.R. that her marriage was solemnized on 29th January, 2021 with Rohit Wadmare, who is the son of her paternal aunt, as per the rites and ceremonies. In the marriage amount of Rs.11 lakh was given by her father. For 8 to 10 days she was treated properly, but thereafter the husband started suspecting her character. The said fact was narrated by her to Applicant No.3 / mother-in-law, who asked her to ignore it.

9. It was alleged that after two months, both the applicants, husband and her married sister-in-law arranged a meeting in which they demanded amount of Rs.10 lakh and gold of 10 tola on the count that her father had not made reasonable expenses in the marriage and saved the money. When Respondent No.2 explained them that after selling the agricultural field expenses of marriage were incurred by her father, they abused and threatened her by saying that she does not wish to bring money from her father.

10. Other allegation made against the husband that due to the said harassment she could not concentrate on her studies of B.Tech final examination, therefore, she started to reside at a hostel at Latur for study. At that time her husband used to call her at late night, though she was busy in her studies. It is clarified that the allegations against Accused No.1/husband and Accused No.4/sister-in-law are not discussed at length for the reason that commenting anything on them may affect the outcome of the proceedings against them. So far as father-in-law and mother-in-law are concerned, it is further alleged that on 18th April, 2023, all the accused persons again demanded 30 tola gold and Rs.10 lakh and threatened that they would not permit her to reside or will seek divorce. It was alleged that on 19th April, 2023 father-in-law had dropped Respondent No.2 at her parent's place. It is alleged in the F.I.R. that though parents of Respondent No.2 tried to convince

in-laws and requested to permit her to cohabit, the in-laws did not allow her for co-habitation and made the demand as already stated. It was further alleged that all the aforesaid accused persons suspected her character, starved her and subjected her to mental and physical harassment.

11. If the aforesaid allegations are perused, it would be crystal clear that the allegations so far present applicants are concerned, are of general nature and are bereft of any specific details. The omnibus statement would not give foundation for the prosecution to proceed against the present applicants. It cannot be ignored that even according to the case of Respondent No.2, it is on 20th April, 2023 she was dropped at her father's place but the report was lodged on 07th February, 2024. Though in the matrimonial proceedings delay in lodging the F.I.R. as a rule cannot be said to be fatal, but can be one of the factors which is required to be taken into consideration while deciding the issue of quashment.

12. Suffice it to say that the allegations regarding demand and harassment are omnibus, and therefore, fails to constitute prima facie case against the present applicants. As far as contention of learned counsel for Respondent No.2 and learned A.P.P. that mini trial cannot be conducted at this stage, it can be said that scrutiny of material in order to verify whether prima facie case is made out against the present applicants or not would not

amount to conducting mini trial. In that view of the matter, following order is passed :-

ORDER

- (I) Criminal application is partly allowed.
- (II) Criminal application as regards Applicant No.1 / Rohit Devram Wadmare and Applicant No.4 / Swati Nikhil Nambiyar stands disposed of as withdrawn.
- (III) Criminal application is allowed in terms of prayer clauses (a) and (A1) qua Applicant No.2 / Devram Dagdu Wadmare and Applicant No.3 / Vanita Devram Wadmare.

(RAJNISH R. VYAS, J.)

SSD